

Legislation Text

File #: #17-0220, Version: 1

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DATE OF MEETING: 06/05/17

SUBJECT:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO ACCEPTING THE RESIGNATION OF CITY CLERK TED DENNEY; DETERMINING TO FILL THE VACANCY BY APPOINTMENT; AND GIVING DIRECTION ON THE APPOINTMENT PROCESS TO FILL THE REMAINING TERM OF OFFICE (2014-2018)

CITY MANAGER RECOMMENDATION

Adopt Resolution

COMPLIANCE STATEMENTS

Not applicable.

CEQA Compliance Statement

This agenda item is not subject to CEQA.

BACKGROUND

On May 15, 2017, City Clerk Ted Denney submitted his resignation effective June 30, 2017. Under state law, the City Council now has sixty (60) days to either appoint someone to fill the remainder of the term of office, or call for a special election.

The statutory duties of an elected City Clerk are set forth in Government Code sections 40801-40812. The City Clerk shall: (1) keep an accurate record of the proceeding of the legislative body and the board of equalization in books bearing appropriate titles and devoted exclusively to such purposes, respectively; (2) is the accounting officer of the city and shall maintain records readily reflecting the financial condition of the city; (3) shall cause a summary of the city's financial report in a form prescribed by the State Controller; (4) keep a book marked "ordinances"; (5) is the custodian of the city seal. However, as is common in many cities, the finance and accounting duties have been transferred to the City's Finance Director and the taxing duties to the County.

Section 2.08.050 *Duties of clerk*, of the San Pablo Municipal Code, details the duties of the City Clerk as follows:

"The city clerk shall do and perform all duties imposed upon him by law and by virtue of his office."

Other than the more ceremonial duties at the City Council meeting, in practice, all City Clerk duties and responsibilities for the City have been and are performed by the Deputy City Clerk.

The cost of a special election is estimated to be approximately \$53,000. Therefore, it is

recommended, instead, that the City Council appoint a successor to fill the vacancy. In order to qualify for the position, a candidate or applicant must be a registered voter and reside in the City of San Pablo.

The appointment process timeline could be as follows: City staff would notify the public of the open position. Interested parties would submit the City's application forms (and a resume if desired) to the City Manager's Office by 6:00 pm, Monday, July 10, 2017. Those who meet the residency and voter registration requirements would have interviews with the City Council at the July 17, 2017 City Council meeting at which time the City Council would make their appointment by majority vote. If the Council is unable to fill the position by appointment within 60 days, then a special election must be called.

FISCAL IMPACT

The current salary for the City Clerk position is \$200 per month. The position receives no other benefits. Salary for this position has already been budgeted, and no additional appropriations for salary are being requested at this time.

If the City Council elects to fill this vacancy by appointment, then no financial appropriation is needed. Should the Council desire to hold a special election, then a \$53,000 appropriation will be required by City Council authorization. Currently, there is no dedicated funding source in the Preliminary DRAFT BUDGET being considered for City Council adoption during June 2017 for this unforeseen expense for the upcoming FY 2017-2021 period. Once the new DRAFT BUDGET is adopted by the City Council, then the FY 2017-18 City Manager Operating Contingency Reserve will need formal City Council appropriation for this expense by separate action.